

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICKY J. HAMBY, :
 :
 Plaintiff, :
 :
 v. : Civ. No. 05-626-JJF
 :
 DR. KASTRE, et al., :
 :
 Defendants. :

O R D E R

At Wilmington this 28 day of March, 2006;

Plaintiff Ricky J. Hamby, an inmate at the Howard R. Young Correctional Institution, filed this civil rights action pursuant to 42 U.S.C. § 1983. He appears pro se and on September 7, 2005, was granted in forma pauperis status pursuant to 28 U.S.C. § 1915. (D.I. 4.)

Now before the court is Plaintiff's motion to appoint counsel and assign a medical expert. (D.I. 15.) Plaintiff was advised by this Court in its February 27, 2006, order that motions for appointment of counsel filed prior to service would be dismissed without prejudice with leave to refile following service. (D.I. 14.) To date, service has not been effected upon Defendants. Accordingly, the motion is premature.

THEREFORE, IT IS ORDERED that Plaintiff's motion to appoint counsel and assign a medical expert witness (D.I. 15) is DENIED

without prejudice with leave to refile following service.


UNITED STATES DISTRICT JUDGE